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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 12 - 00700 DLJ
)	
Plaintiff,)	STIPULATION AND
)	[] ORDER
v.)	
)	
RANDY DANIEL SHATTUCK,)	
)	
Defendant.)	

WHEREAS, the parties were scheduled for a status hearing before this Court on November 8, 2012;

WHEREAS, defense counsel is continuing to review documents in connection with evaluating and analyzing this matter and government is in the process of responding to additional discovery issues raised by the defendant;

WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this matter is appropriate in order to ensure effective preparation of counsel, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

THEREFORE, the parties mutually and jointly agree that time should be excluded from November 8, 2012, up and including December 6, 2012, which this Court's deputy has advised is

an available date on this Court's calendar. The parties agree that excluding time until December 6, 2012, is necessary, given the need to ensure effective preparation of counsel. The parties also agree that failing to grant a continuance would deny counsel for the defense the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). Finally, the parties agree that the ends of justice served by excluding time from November 8, 2012, until December 6, 2012, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

STIPULATED:

DATED: November 2, 2012

/s/
ROBERT CARLIN
Attorney for RANDY DANIEL SHATTUCK

DATED: November 2, 2012

/s/
TIMOTHY J. LUCEY
Assistant United States Attorney

ORDER

For good cause shown, the Court enters this order continuing the status hearing in this action until December 6, 2012, and excluding time from November 8, 2012, up to and including December 6, 2012. Specifically, the parties agree, and the Court finds and holds that such that time should be excluded until December 6, 2012, and furthermore that failing to grant a continuance and exclude time until December 6, 2012, would unreasonably deny the defendant effective preparation of counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

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1 Finally, the parties agree, and the Court finds and holds, that the ends of justice served by
2 excluding time from November 8, 2012, through December 6, 2012, outweigh the best interest of
3 the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

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5 **IT IS SO ORDERED.**

6
7 **DATED:** FFD BG

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9 **HONORABLE D. LOWELL JENSEN**
10 **United States District Court**